

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN LAMAR FRAZIER,

Plaintiff,

No. CIV S-05-0774 MCE JFM P

vs.

SPENCER ROWELL, et al.,

Defendants.

ORDER

On October 20, 2006, defendant Spencer Rowell<sup>1</sup> filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. Plaintiff has not opposed the motion.

Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion . . . ." On July 8, 2005, plaintiff was advised of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

Local Rule 11-110 provides that failure to comply with the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the

<sup>1</sup> Defendant Rowell is the only defendant in this action. (See Order filed July 8, 2005.)

1 inherent power of the Court.” In the order filed July 8, 2005, plaintiff was advised that failure to  
2 comply with the Local Rules may result in a recommendation that the action be dismissed.

3 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the  
4 date of this order, plaintiff shall file an opposition, if any he has, to the motion for summary  
5 judgment or a statement of non-opposition. Failure to comply with this order will result in a  
6 recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).

7 DATED: November 29, 2006.

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10 UNITED STATES MAGISTRATE JUDGE

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